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VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance
(InterLATA) Service in Tennessee Pursuant to Section 271 of
the Telecommunications Act of 1996*
Docket No. 97-00309

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Petition to Set
Procedural Schedule. Copies of the enclosed are being provided to counsel of
record.

Very truly yours,

Guy M. Hicks

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *BellSouth Telecommunications, Inc.'s Entry Into Long Distance (InterLATA) Service in Tennessee Pursuant to Section 271 of the Telecommunications Act of 1996*

Docket No. 97-00309

BELLSOUTH'S PETITION TO ESTABLISH PROCEDURAL SCHEDULE

BellSouth Telecommunications, Inc. ("BellSouth") hereby moves the Authority to establish a procedural schedule in the above-referenced matter to complete this proceeding in an expeditious manner. Specifically, BellSouth requests that the Authority set a procedural schedule that accomplishes three things: (1) consolidates Phase I and Phase II of this proceeding; (2) permits BellSouth to file certain additional evidence, set forth in detail below, to ensure the record is complete; and (3) sets hearing dates in April 2002.

First, as set forth in *BellSouth's Motion To Amend Procedural Order*, dated September 14, 2001, BellSouth requests that the Authority consolidate Phase I and Phase II of this proceeding and hear all of the issues together. The issues in the two phases are interrelated and considering them together will further both judicial economy and a cohesive presentation of evidence. This is particularly true in the case of the public interest. The FCC has held that "[c]ompliance with the competitive checklist is itself a strong indicator that long distance entry is consistent with the public interest. This approach reflects the Commission's many

years of experience with the consumer benefits that flow from competition in telecommunications markets." *See, e.g. Verizon-Pennsylvania Order, Appendix C, Para. 70.* The FCC also held that "[w]hile no one factor is dispositive in this analysis, the overriding goal is to ensure that nothing undermines the conclusion, based on the Commission's analysis of checklist compliance, that markets are open to competition." *Id.* Thus, while the public interest determination is a separate factual finding made by the FCC, the FCC has found that the public interest analysis is inextricably tied to compliance with the checklist as a whole. Thus, it would be most efficient to tie the two together.

Second, based on a consolidation of Phase I and Phase II, BellSouth requests that the Authority establish a procedural schedule in which BellSouth is permitted to file the following supplemental testimony¹:

- (1) Testimony of John Ruscilli on BellSouth's compliance with the public interest standard;
- (2) Testimony of John Ruscilli and possible second witness on BellSouth's compliance with Section 272 of the Act;
- (3) Testimony of Alphonso Varner (adopting Dave Coon's previously-filed testimony) and providing Tennessee performance data (in the MSS format) from July 2001 – December 2002;
- (4) Updated Statement of Generally Available Terms and Conditions (incorporating new FCC collocation rules and other more stringent requirements on BellSouth).

¹ As information, BellSouth will be withdrawing the testimony of Gustavo Bamberger from this proceeding. The testimony referred to below is not a revision or supplement to existing testimony but, rather, is testimony that: 1) addresses those issues addressed by the Hearing Officer in his orders of August 10, 2001 and September 10, 2001; and 2) insures that the TRA has BellSouth's most recent performance data (that data that will be filed with the FCC) before it for consideration.

This testimony will ensure BellSouth's compliance with the Authority's August 10, 2001, and September 10, 2001, Orders requiring BellSouth to provide evidence of its compliance with Section 272 and public interest. In addition, these filings will update BellSouth's performance data for the Authority's consideration.²

In addition, if the Authority decides to address BellSouth's compliance with the OSS requirements of Checklist Item 2 in this proceeding³, BellSouth will need to file the following additional testimony:

- (1) Testimony of Ron Pate;
- (2) Testimony of Ken Ainsworth;
- (3) Testimony of David Scollard;
- (4) Testimony of Milton McElroy.

Third, BellSouth asks the Authority to set hearing dates for this matter during the week of April 15, 2002, and establish the remainder of the procedural schedule based on these hearing dates. These hearing dates will provide the Intervenor ample time to present their cases while expeditiously moving forward in the matter.

In conclusion, BellSouth requests that the Authority set a procedural schedule that accomplishes three things: (1) consolidates Phase I and Phase II of

² In its August 10, 2001 Order, the Authority mentioned the filing of a Brief In Support of Application (Order, p.5, fn 10). BellSouth would consider this to be the Post-Hearing Brief. If, however, the Authority would like an initial brief, BellSouth would propose to file that with its supplemental testimony.

³ This testimony might be better considered in the OSS docket (01-00362). As information, this issue has been presented to the Hearing Officer in that docket and is possibly under consideration for inclusion in that docket at this time. As we have stated, however, the issues arising from Checklist Item 2 must be considered in either the OSS docket or this docket, but not both.

this proceeding; (2) permits BellSouth to file the evidence set forth above; and (3) sets hearing dates the week of April 15, 2002.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2002, a copy of the foregoing document was served on the parties of record, via hand delivery, facsimile, overnight or US Mail, addressed as follows:

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